

NC DIVISION OF AGING & ADULT SERVICES
and
AREA AGENCY ON AGING

Monitoring Tool for Legal Assistance

Community Service Provider: _____
Review Date: _____ State Fiscal Year _____
Interviewer: _____
Person(s) Interviewed and Title(s): _____

Staffing

Compliance Standard

1. Legal Assistance must be provided by a licensed attorney.

Compliance Indicator

Licensed attorney is on staff or is available through contractual arrangements.

Name of Attorney(s) _____

Comments: _____

Compliance Standard

2. Staffing may include, but not be limited to, a component involving advice or representation by a paralegal, a third-year law student, a non-lawyer in an administrative public benefits problem or otherwise permitted by law; all under the direct supervision of an attorney.

Compliance Indicator

Legal assistance is provided by the following staff under the direct supervision of an attorney:

Paralegal yes _____ no _____

Third-year law student yes _____ no _____

Non-Lawyer for administrative public benefits problems or as otherwise permitted by law yes _____ no _____

Comments: _____

Client Eligibility

Compliance Standard

3. Clients eligible for assistance must be 60 years of age or older.

Compliance Indicator

Contractor's client intake form contains information indicating that a client is age 60 or older

yes ___ no ___

Comments: _____

Target Population

Compliance Standard

4. Older adults determined to have the greatest economic or social need, who require legal assistance to protect the rights and benefits are targeted for service.

yes ___ no ___

Compliance Indicator

Each client file has documentation indicating a given client's economic and social need.

Comments: _____

Compliance Standard

5. Special outreach efforts will focus on older individuals with the greatest economic and social need, older individuals residing in rural areas, older individuals with severe disabilities, older individuals with limited English speaking ability, older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction and caretakers of all such individuals.

Compliance Indicator

- A. Contractor's written priorities specify such an outreach effort.

yes ___ no ___

- B. Documentation exists to show that such outreach efforts have been made.

yes ___ no ___

Comments: _____

Service Provision

Compliance Standard

6. Contracts awarded to contractor who most fully meets the criteria set forth in Section VII C.1. of the Legal Assistance Standards.

Compliance Indicator

- A. has expertise in specific areas of law affecting older persons in economic or social need (e.g. the priority issues set forth in Section V. of the Legal Assistance Standards);
yes___no___
- B. demonstrates the capacity to provide legal assistance to institutionalized, isolated, and homebound older individuals effectively;
yes___no___
- C. demonstrates the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language;
yes___no___
- D. demonstrates the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with economic or social need;
yes___no___
- E demonstrates the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;
yes___no___
- F. if engaging in other legal activities, provides assurance that there is no conflict of interest nor other interference with their professional responsibilities;
yes___no___
- G. provides for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;
yes___no___
- H. promotes and provides, as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on:
1. the powers and duties of guardians or representative payees; and
2. alternatives to guardianship.
yes___no___

- Contracting Option 1

Compliance Standard

7. Assistance provided by direct award to an attorney or Legal Services Corporation.

Compliance Indicator

Service activities provided by the contractor include the following:

- A. Evaluation of the client's need for legal assistance-priority given to assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination. (To the extent assistance in such areas is not otherwise available)
yes____no____
- B. Referral of clients to a private attorney for services prohibited under contract or to a social services agency as appropriate. (Note: "referral definition in Section V.A.2. of the Legal Assistance Standards)
yes____no____
- C. Assistance for clients through imparting advice in such areas as those listed in section (a) above including public benefits, tenant, consumer and household matters (list is not exclusive).
yes____no____
- D. Representation for clients in above matters through telephone calls, letters, meetings, production of appropriate documents and litigation.
yes____no____
- E. Responsibility of providing information and community education on preventive legal management of personal affairs. yes____no____
- F. Evidence of cooperation between legal assistance provider and that efforts were made to encourage the expansion of legal assistance to older adults on a pro-bono or reduced fee basis.
yes____no____

Documentation Verifying Compliance: (List and/or attach)_____

Comments:_____

Contracting-Option 2

Compliance Standard

8. Legal assistance funds are awarded to a multidisciplinary agency which then subcontracts the services to an attorney or Legal Services Corporation.

Compliance Indicator

- A. Copy of contract between contractor and attorney (subcontract) is on file and has been fully executed. (Copy of contract attached) yes___no___
- B. Contract lists prohibited activities yes___no___
- C. Contractor monitors subcontractors. (Attach a copy of the assessment tool). yes___no___
- D. Service activities provided by the subcontractor as required by contract include the following:
- (1) Evaluation of the client's need for legal assistance--priority given to assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination. (To the extent assistance in such areas is not otherwise available.) yes___no___
- (2) Referral of clients to a private attorney for services prohibited under contract or to a social services agency as appropriate. (Note: "referral definition in Section V. A.2. of the Legal Assistance Standards) yes___no___
- (3) Assistance for clients through imparting advice in such areas as those listed in (a) above including public benefits, tenant, consumer and household matters (list is not exclusive). yes___no___
- (4) Representation for clients in above matters through telephone calls, letters, meetings, production of appropriate documents and litigation. yes___no___
- (5) Responsibility of providing information and community education on preventive legal management of personal affairs. yes___no___
- (6) Evidence of cooperation between legal assistance provider and that efforts were made to encourage the expansion of legal assistance to older adults on a pro-bono or reduced fee basis. yes___no___

Documentation verifying compliance: _____

Comments: _____

Compliance Standard

9. The contractor does not engage in prohibited activities or provide prohibited legal assistance.

Compliance Indicator

The contractor is aware of the prohibited activities set forth in Section VII. C. 2. of the Legal Assistance Standards and has assured the AAA administrator (or Assessor) that the legal assistance provider's director, staff attorneys, and employees have not and are not engaging in any such prohibited activities

yes____no____

Comments: _____

Compliance Standard

10. If the contractor is not a Legal Services Corporation, (LSC) it agrees to coordinate its services with a LSC grantee in order to concentrate legal assistance funded under this part on older adults with the greatest economic or social need who are not eligible for services under the Legal Services Corporation Act.

Compliance Indicator

A. Contractor has a current written agreement of coordination with LSC providing services in its area.

yes____no____

B. Contractor's agreement states that LSC may not use a means test or require older adult's to apply for assistance first through a Legal Services Corporation grantee.

yes____no____

C. Contractor's agreement with LSC must state that it should in no way be interpreted to conflict with the Older Americans Act of 1965, as amended, its regulations or the North Carolina Code of Professional Ethics.

yes____no____

Comments: _____

Compliance Indicator

Legal assistance provider ensures the coordination of activities under Title III, with services provided by the Legal Services Corporation, and services under Title VII, Chapters 2, 3 and 5, as well as other state or federal programs that address the legal assistance needs of older individuals.

yes ___ no ___

Comments: _____

Compliance Standard

11. Each provider must have written case priorities.

Compliance Indicator

Contractor's case priorities are written and reviewed by the AAA.

yes ___ no ___

Comments: _____

Compliance Standard

12. The contractor maintains a written case file on each client.

Compliance Indicator

Each client file contains a written case file. (Attach a copy of the form)

yes ___ no ___

Comments: _____

Compliance Standard

13. Assistance shall be provided at the provider's office, in the client's home, if necessary, at congregate settings based on a comprehensive schedule and at residential health and group care facilities.

Compliance Indicator

Documentation exists to show that the contractor serves clients who are unable to come to the office of the contractor.

yes ___ no ___

Comments: _____

Compliance Standard

14. Contractor agrees to work with other advocacy efforts of the aging network such as the Long-Term Care Ombudsman Program, as well as nursing and adult care home community advisory committees.

Compliance Indicator

A. Contractor has a dated listing of advocacy efforts provided and/or scheduled during the fiscal year (Attach a copy of listing)

Compliance Standard

15. Contractor shall establish policies for the referral of fee-generating cases.

Compliance Indicator

Dated, written procedures are on file indicating the procedures to be followed regarding the referral of fee-generating cases.

Comments: _____

Compliance Standard

16. Contractor has an established written procedure that representation in fee-generating cases is provided if it is unavailable from the private bar or there is an emergency requiring immediate legal action.

Compliance Indicator

Dated, written procedures are on file setting forth the procedures to be followed regarding fee generating cases when there is an emergency requiring immediate action or representation is unavailable from the private bar.

Comments: _____

Compliance Standard

17. Contractors must establish written policies and procedure governing the collection of voluntary contributions (program income). All individuals receiving legal assistance administered by the Division of Aging must have the opportunity to contribute to the cost of service and voluntary contributions shall be used to expand such assistance.

Compliance Indicator

A. The contractor has written policies and procedures governing the collection of voluntary contributions.

yes____no____

(1) The provider gives each client the opportunity to contribute towards the cost of service.

yes____no____

(2) Voluntary contributions are used to expand Title III-B legal assistance.

yes____no____

Comments: _____

(2-10-97)